

**COOPERATIVE PHYTOPHTHORA RAMORUM QUARANTINE PROJECT  
COMPLIANCE AGREEMENT**

\_\_\_\_\_ **County Agricultural Commissioner / CDFA / USDA**

*[Pursuant to California Food and Agricultural Code Sections 5705, California Code of Regulations Section 3700, Plant Protection Act, Sect 431 (I), Public Law 106-224, and 7 CFR 301.92]*

\_\_\_\_\_ County Agricultural Commissioners Office  
Street Address  
City Address  
Contact – (Agricultural Commissioner)

Compliance Agreement Number:			
Establishment Name:			
Manager Name:			
Mailing Address:			
Street	City	County	Zip
Phone: (____) ____ - ____		E-Mail: _____@_____	
Fax: (____) ____ - ____			
Thos. Bros:		Latitude:	
Cross Street:		Longitude:	

**Parties:**

The California Department of Food and Agriculture (CDFA), the United States Department of Agriculture (USDA), and the \_\_\_\_\_ County Agricultural Commissioner, cooperating as the Phytophthora Ramorum Quarantine Project

Project Officer:
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Business/Establishment

Establishment Name: (subsequently referred to as "Establishment")

**BACKGROUND:**

The causal pathogen, Phytophthora ramorum, of "Sudden Oak Death (SOD)" presents a real and ongoing threat to the agricultural industry, environment and economy of the State of California. Movement of regulated articles and commodities is a recognized channel for the spread of SOD from established areas to new locations. The Phytophthora Ramorum Quarantine Project is a cooperative effort between public entities that are responsible for mitigating the

movement of SOD from regulated areas where the disease is established to new locations. Your establishment is located within a regulated area or is receiving regulated articles from a regulated area.

**AGREEMENT:**

**A.** The Phytophthora Ramorum Quarantine Project, hereafter referred to as the Project, will permit your establishment to self-execute the regulatory requirements attached as exhibits checked below, inclusive and incorporated into this agreement by reference as if fully set out. The exhibits checked below are binding (check all that apply):

- ☒ Exhibit A - Regulations
- ☐ Exhibit B – Nursery Stock
- ☐ Exhibit C - Wood and wood products (incl. firewood and logs)
- ☐ Exhibit D – Greenery, Garland, and Wreaths (incl. forest stock)
- ☐ Exhibit E – Green Waste Origin Facility
- ☐ Exhibit F - Soil
- ☐ Exhibit G- Compost Facility
- ☐ Exhibit H- Green Waste Transporter
- ☐ Exhibit I- Tree Farm
- ☐ Exhibit J- Unregulated Nursery Stock in Soil

**B.** In exchange for the Project’s promise contained in sub-paragraph “A” above, the Establishment agrees to abide by the following rules and regulations:

1. Handle, process, and/or move regulated articles in accordance with the regulatory requirements;
2. Follow the Project’s instructions regarding the use of all permits and certificates;
3. Maintain and make such records as the Project requires, accessible for inspection upon reasonable notice by the Project Officer. These records shall be maintained for a period of the later of 2 years or the resolution of any outstanding claims.

- C.** This agreement becomes effective on signing and shall remain in effect until canceled by either party on 30 days notice to the other at the address of either appearing above. However, the Project may accelerate the notice to immediate for cause, including but not limited to the Establishment's abandonment of the procedures outlined in the attached Exhibit(s).
- D.** Establishment assumes liability, if any, arising from the manner in which Establishment sells, handles or distributes any regulated host material.

**NOTICE:** Any signatory or employee of any signatory who violates the terms of this Compliance Agreement may be subject to Civil Penalties pursuant to California Food and Agricultural Code Section 5705, and 7 Code of Federal Regulations 301.92, Plant Protection Act, Sec. 431 (I), Public Law 106-224.

Signed in the County of _____ in the State of California on ____/____/2002	
Establishment by: (print name)	Phytophthora Ramorum Quarantine Project by: (print name)
Manager/Owner (signature):	Project Officer (signature):

## **EXHIBIT B- NURSERY STOCK**

### **☐ Provisions for the Intrastate and Interstate Movement of Regulated Articles of Nursery Stock:**

Establishment agrees to the following:

#### **1. Annual Inspection**

Establishment shall allow the Project to perform an annual inspection and sampling on regulated articles of nursery stock and associated host plants in accordance with 7 CFR 301.92-11 (a) (1) – (4).

#### **2. Individual Shipment Inspection**

Prior to moving regulated articles of nursery stock out of the regulated area, Establishment shall allow the Project to perform an inspection and sampling of individual shipments or specific lots of regulated articles in accordance with 7 CFR 301.92-11 (b) (1)-(3).

#### **3. 30-days Shipping Per Inspection**

Establishment may move regulated articles of nursery stock out of the regulated area from the date the inspection is completed and for a period of up to 30 days thereafter (or less if specified by the Project) when the regulated articles have been inspected in accordance with Provisions 1 and 2 above.

Establishment may move regulated articles of nursery stock, originating from other sources, out of the regulated area within the 30-day inspection period under the following conditions:

- A) The regulated articles of nursery stock originated outside the regulated area and are accompanied by a receipt or bill of lading, or
- B) The regulated articles of nursery stock originated within the regulated area and are accompanied by appropriate\* quarantine certification.

Individual shipments or specific lots of regulated articles of nursery stock that are not shipped within the 30-day inspection period must be inspected, as per Provision 2, prior to being moved out of the regulated area.

#### **4. Restriction on Sources of Regulated Articles**

Establishment may only receive regulated articles of nursery stock from other sources under the following conditions:

- A) The regulated articles of nursery stock originated outside the regulated area and are accompanied by a receipt or bill of lading, or
- B) The regulated articles of nursery stock originated within the regulated area and are accompanied by appropriate\* quarantine certification, or

## EXHIBIT B- NURSERY STOCK

C) The uncertified regulated articles of nursery stock originated within the regulated area, and:

- 1) The Establishment notifies the Project within one working day of receipt of the shipment, and
- 2) The Establishment safeguards, segregates, and holds the regulated articles of nursery stock off-sale until they are inspected and released by the Project, and
- 3) **The uncertified regulated articles of nursery stock shall not be moved out of the regulated area.**

### 5. Maintain Identity

Establishment shall maintain the identity of all regulated articles of nursery stock that are in compliance with Provisions 1 and 2, above. Establishment shall maintain the identity of all regulated articles of nursery stock that originated from other sources that are in compliance with provisions 3A or 3B.

### 6. Quarantine Certification

The Establishment shall ensure that appropriate quarantine certification accompanies regulated articles of nursery stock moved out of the regulated area. Regulated articles of nursery stock may only be moved out of the regulated area when in accordance with the above provisions and 7 CFR 301.92-8.

Establishment may provide appropriate quarantine certification for regulated articles of nursery stock moved within the regulated area from the date the inspection is completed and for a period of up to 30 days thereafter (or less if specified by the Project) when the regulated articles have been inspected in accordance with Provisions 1 and 2 above.

### 7. Records

Establishment shall maintain production records or records of receipt for all regulated articles of nursery stock moved out of the regulated area. Establishment shall maintain records, as directed by the Project, on each shipment of regulated articles of nursery stock moved out of the regulated area. Establishment shall provide such records to the Project Officer once every 30 days, or as specified by the Project Officer. Establishment shall allow the Project perform periodic inspections to verify compliance with this Provision.

### 8. Infected Nursery Stock

If any regulated article or associated host plant within a nursery is found to be infected with *Phytophthora ramorum*, Establishment shall not move any regulated article of nursery stock, or associated host plant, out of the regulated area until such time as the Project can determine that the nursery is free of *Phytophthora ramorum*.

### 9. Notice

#### **EXHIBIT B- NURSERY STOCK**

Establishment shall provide at least 24 hours notice to the Project Officer when requesting an inspection.

##### **10. Removal of Duff from Soil**

Establishment shall remove all duff and leaf litter of regulated articles from all nursery stock prior to movement out of the regulated area.

\*An appropriate quarantine certificate may be one of the following: a Quarantine Compliance Certificate, a USDA Form 540, or an authorized Project stamp/sticker.

A California Nursery Stock Certificate is **not** an appropriate quarantine certificate.